

Case 1:06-cv-00121-MAC-ESH Document 14 Filed 07/25/06 Page 1 of 2 PageID #: 112

EASTERN DISTRICT OF TEXAS

DONALD HULL,

Plaintiff,

versus

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, *et al.*,

Defendants.

CIVIL ACTION NO. 1:06-CV-121

**MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Donald Hull, an inmate formerly confined at the Stiles Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections are without merit.

Plaintiff complains of being assaulted on October 26, 2005. Additionally, Plaintiff complains of being threatened by another inmate on February 22, 2006. However, the allegations set forth in plaintiff's complaint do not demonstrate he is in imminent danger of serious physical injury, as required by Title 28 U.S.C. § 1915(g).

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 25th day of July, 2006.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE